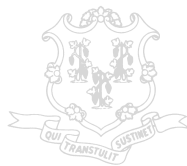


OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 11-73—SB 1098

Judiciary Committee

General Law Committee

**AN ACT REGULATING THE SALE AND POSSESSION OF SYNTHETIC
MARIJUANA AND SALVIA DIVINORUM**

SUMMARY: This act requires the commissioner of the Department of Consumer Protection (DCP) to adopt regulations designating as controlled substances five specified synthetic versions of marijuana, along with salvia divinorum (a perennial herb in the mint family native to certain parts of Mexico) and salvinorum A.

EFFECTIVE DATE: July 1, 2011

DESIGNATION AS CONTROLLED SUBSTANCES

The act requires the DCP commissioner, by regulation, to designate the following substances as controlled substances and classify each in the appropriate schedule. The act specifies that the designation may be by whatever official, common, usual, chemical, or trade name that applies to the substances.

The substances are:

1. 1-pentyl-3-(1-naphthoyl)indole (JWH-018);
2. 1-butyl-3-(1-naphthoyl)indole (JWH-073);
3. 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200);
4. 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (CP-47,497);
5. 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (cannabicyclohexanol; CP-47,497 C8 homologue);
6. salvia divinorum; and
7. salvinorum A.

By law, when a substance is reclassified from non-controlled to controlled under federal law, it is deemed to be a controlled substance under state law for 240 days (CGS § 21a-243(g)). On March 1, 2011, the federal Drug Enforcement Agency (DEA) administrator issued a final order to temporarily classify substances (1) through (5) above as Schedule I controlled substances for one year (76 Fed. Reg. 11,075 (March 1, 2011)). The DEA order described these substances as synthetic cannabinoids, a large family of unrelated structures that are functionally similar to the active principle of marijuana.

By law, the DCP commissioner is authorized to adopt regulations, on the advice of the Commission on Pharmacy and after an investigation, which designate as a controlled substance any substance or chemical composition that contains any quantity of a substance which (1) has been found to have a stimulant, depressant, or hallucinogenic effect on the central nervous system's higher

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functions and (2) has a tendency to promote abuse, physiological or psychological dependence, or both. These substances include cannabis-type substances (CGS § 21a-243(c)). Marijuana is classified as a Schedule I controlled substance under both state and federal law.

BACKGROUND

Schedules of Controlled Substances

Controlled substances are grouped in Schedules I through V, according to their decreasing tendency to promote abuse or dependency. Schedule I substances are the most strictly controlled because of their high potential for abuse. State and federal laws authorize prescribing drugs on Schedules II through V; most Schedule I drugs do not have any approved medical use.

Federal Temporary Classification of Schedule I Controlled Substances

The federal Controlled Substances Act allows the DEA administrator to temporarily place a substance into Schedule I, without regard to the usual drug scheduling rulemaking requirements, if based upon certain factors, she determines the action is necessary to avoid an imminent hazard to public safety (21 U.S.C. § 811(h)).

OLR Tracking: JO:JKL:JL:ro